

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PROVISION OF )  
STANDARD OFFER SUPPLY TO RETAIL )  
CONSUMERS IN THE SERVICE TERRITORY ) PSC DOCKET NO. 15-0889  
OF DELMARVA POWER & LIGHT COMPANY )  
(FILED APRIL 1, 2015) )

**ORDER NO. 8850**

**AND NOW**, this 23<sup>rd</sup> day of February, 2016, the Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, on April 1, 2015, Delmarva Power & Light Company ("Delmarva") filed revised electric tariffs and requested approval of the 2015 Standard Offer Service Rates, Procurement Cost Adjustment ("PCA") and Reasonable Allowance for Retail Margin ("RARM") (collectively, the "Application"). The Application included revised tariff leafs 39 to 41; 43 to 47; 50; 112; and 114. Additionally, Delmarva filed work papers supporting the proposed tariff changes as well as the monthly bill impact information that showed a proposed decrease of approximately \$2.48 (or a decrease of 1.7%) for a typical residential customer using 1,000 kWh on an annual average basis; and

**WHEREAS**, Staff began its review of the Application. Pending further review, Commission Staff recommended that the Commission approve Delmarva's proposed rate changes on a temporary basis, subject to refund with interest effective with usage on and after June 1, 2015, and with the appropriate public notice; and

**WHEREAS**, on May 5, 2015, the Commission adopted Order No. 8731 which approved revised tariff sheets, including the revised rates filed by Delmarva in the Application, on a temporary basis, subject to refund for usage on and after June 1, 2015. Attached to Order No. 8731 was a form of public notice pertaining to the changes in rates. Order No. 8731 directed Delmarva to publish the public notice as follows: May 21, 2015, in *The News Journal*, and May 22, 2015, in the *Delaware State News*. Order No. 8731 also set a deadline of July 17, 2015 for the filing of petitions to intervene, or to file written comments or objections; and

**WHEREAS**, on September 2, 2015, Delmarva filed its 2016 Request for Proposals for Full Requirements Wholesale Electric Power Supply in Delaware and the Full Requirements Service Agreement, and on September 4, 2015 filed an amendment to its Request for Proposals for Full Requirements Wholesale Electric

Power Supply in Delaware to correct certain typographical errors in the filing; and

**WHEREAS**, on September 22, 2015, the Commission adopted Order No. 8795 in this docket approving certain changes to the 2016 Request for Proposals for Full Requirements Wholesale Electric Power Supply in Delaware and the Full Requirements Service Agreement. Interested stakeholders were afforded notice and opportunity to participate in the revisions to these documents, and consensus was reached among all interested stakeholders before presentation to the Commission for consideration; and

**WHEREAS**, Delmarva inadvertently failed to publish the public notice in compliance with Order No. 8731, which was discovered on or about November 24, 2015. Upon discovering the issue, Delmarva contacted Commission Staff to discuss the manner in which to rectify the situation. After discussions with Commission Staff, it was determined that the best course of action would be to file a motion requesting approval to republish the public notice and set a new deadline for leave for petitions to intervene and to file comments. Despite the lack of publication of notice in *The News Journal* and *Delaware State News*, customers were notified of the proposed change in rates by way of a press release issued on June 1, 2015, as well as

through a bill insert issued to customers between June 1 - 30, 2015; and

**WHEREAS**, on December 15, 2015, the Commission, in response to a motion duly filed by Delmarva, adopted Amended Order No. 8731, which set new dates for the publication of notice and a new deadline for the filing of motions to intervene, comments or objections. In Amended Order No. 8731, Delmarva was directed to publish a designated form of public notice on January 5, 2016, in *The News Journal* and on January 6, 2016, in the *Delaware State News*, and to cause the affidavits of publication of the above notices to be filed in this docket within two weeks of becoming available. Amended Order No. 8731 directed that interested persons may file petitions for intervention, written comments, or objections to the proposed rates and tariff changes on or before January 26, 2016, and that if no material objections or written comments are filed and Staff recommends final approval of the rates and revised tariff leafs, then the Commission may enter a final order at a duly-noticed public hearing; and

**WHEREAS**, Delmarva caused to be published the requisite notice in *The News Journal* on January 5, 2016, and in the *Delaware State News* on January 6, 2016, and filed affidavits of

publication of the above notices in this docket on January 11, 2016; and

**WHEREAS**, no petitions for intervention, written comments, or objections to the proposed rates and tariff changes were filed on or before January 26, 2016.

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE OF  
NOT FEWER THAN THREE COMMISSIONERS:**

1. Recognizing that any deficiencies in providing public notice of and the opportunity to participate in this proceeding have been remedied by the publication of the requisite notice in *The News Journal* on January 5, 2016, and in the *Delaware State News* on January 6, 2016, and by the extension of the deadline to file petitions for intervention, written comments, or objections by January 26, 2016, the Commission hereby ratifies its September 22, 2015 decision to adopt Order No. 8795 in this docket approving certain changes to the 2016 Request for Proposals for Full Requirements Wholesale Electric Power Supply in Delaware and the Full Requirements Service Agreement.

2. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary